

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Fox Shiver, LLC, a New York Limited
Liability Company;

Case No.: 1:24-cv-1962

Plaintiff

v.

Individuals, Corporations, Limited
Liability Companies, Partnerships,
and Unincorporated Associations Identified
on Schedule A to the Complaint,

Defendants.

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~~PROPOSED~~ **PROPOSED CONSENT ORDER AND JUDGMENT**

Plaintiff Fox Shiver LLC (“Plaintiff”) filed this action against Defendant BabylonFading (“BabylonFading”) (#7), and other Defendants. Plaintiff and BabylonFading have resolved all claims arising from the allegations in the Complaint.

THIS COURT HEREBY FINDS that it has personal jurisdiction over BabylonFading because BabylonFading directly target their business activities toward consumers in the United States, including New York, offering to sell and ship products into this Judicial District, and contracting with a New York based company, Etsy, Inc. (“Etsy”), to operate BabylonFading interactive, e-commerce storefront. BabylonFading contracted with Etsy to create an commercial online storefront through which products incorporating Plaintiff’s federally registered Artwork, namely the artwork titled “Nothing to see here,” bearing U.S. Copyright Registration VA-2-273-083. In contracting with Etsy, BabylonFading paid Etsy listing fees and/or commissions relating to the sale of goods incorporating Plaintiff’s artwork.

paid by BabylonFadings in order to settle all claims, as memorialized in the parties' settlement agreement (the "Settlement Amount") and that a portion of the Settlement Amount will be paid from funds currently frozen in BabylonFadings' Etsy Account (the "Account Balance").

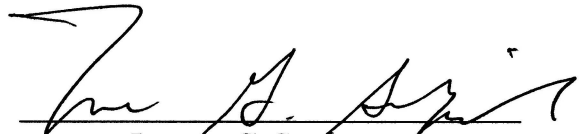
IT IS HEREBY ORDERED that:

1. Etsy is ordered to transfer the Account Balance from BabylonFading's account to Plaintiff within seven (7) calendar days of receipt of this Order.
2. Upon Etsy's transfer of the Account Balance to Plaintiff, Etsy shall remove any restraints that were placed on BabylonFadings' e-commerce stores and financial accounts pursuant to the Temporary Restraining Order [Doc. 9].
3. This case is dismissed solely as it relates to this Defendant, with leave to reinstate within one hundred and eighty (180) days, at such time, absent a motion to reinstate, shall automatically convert to a dismissal with prejudice.
4. Plaintiff and BabylonFading shall bear its own attorneys' fees and costs.

April 22, 2024

SO ORDERED this ____ day of _____, 2024

The Clerk of Court is respectfully directed
to close the motion at Dkt. 32.



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE